IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

SUMMONS FOR JUDGMENT NO. 296 OF 1999

IN

SUM. SUIT NO. 5448 OF 1998

Shobhavat Jinnalal Jain .. Plaintiff.

vs.

Aarey Drugs & Pharmaceuticals

Co. Ltd,. .. Defendants.

Manjiri Shah i/by K.D. Shah

for plaintiff.

Mr. Jitendra Jani i/by Mehta & Co.

for defendants.

CORAM : S.U. KAMDAR, J.

DATE : 19th SEPTEMBER, 2005.

P.C.:

. The present summary suit is filed on the appointment letter dated 5.10.1994. The letter provides for mutual termination clause as decided between the parties. The learned counsel for the plaintiff drew my attention to the balance sheet in which an amount of Rs. 75,000/- is shown as an administrative expenses incurred by the company.

There is no written contract under which any liquidated amount is due and payable. There is no acknowledgement of liability. The contention is that a demand was made but there is no denial. Suit is not maintainable as a summary suit. Summons for judgment dismissed. Unconditional leave to defend.

2. Suit transferred to the list of Commercial Causes. Written Statement or points of defence to be filed within four weeks from today. Affidavits list of documents to be filed within four weeks thereafter. Inspection within four weeks thereafter. Suit to be on Board of the learned Judge taking Commercial Causes.